THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9524 of 1999

ORAL ORDER:

This writ petition is filed declaring the action of the third respondent in not releasing the provident fund of late V.Rambhajnam in favour of petitioner who is the sole nominee and legal heir, as arbitrary, illegal, capricious and violative of principles of natural justice.

There is no necessity of going into all the details. It appears, petitioner is the brother of one late Rambhajnam, who worked as Secretary, Prakasam District Cooperative Central Bank Ltd., Ongole and resigned from the job and thereafter he died. While resigning, he nominated petitioner's son as his nominee to receive all the retiral benefits.

It is the contention of the learned counsel for petitioner that the petitioner is claiming as nominee on the basis of a will deed executed by late Rambhajnam, whereunder petitioner's son was proposed as a nominee. The respondent authorities seem to have refused to give retiral benefits on the ground that the nomination of petitioner's son was not in acceptable form.

Whereas, one V.Anantha Laxmi purported to be the wife of late Rambhajnam, got herself impleaded in the writ petition as fourth respondent and stated that she is legally wedded wife of late Rambhajnam and whether she was nominated or not, she is entitled for all the retiral benefits of late Rambhajnam as his legal heir.

After filing the writ petition, there is a rival claim between the parties, therefore, I deem it appropriate to dispose of the writ petition leaving liberty to the petitioner to approach the competent Civil Court and obtain succession certificate after impleading Smt.V.Anantha Laxmi as a party to the proceedings and then approach the official respondents for payment of retiral benefits pertaining to late Rambhajnam.

The writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU,
J

Date: 20.4.2007
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9524 of 1999

20.4.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.9524 of 1999

Date: 20th April, 2007

Between:

P.Sreemannarayana

.. Petitioner

And

The Assistant Commissioner,
Provident Fund, Guntur & others.

.. Respondents